

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

NAVAJO TRANSITIONAL ENERGY
COMPANY, LLC,

Plaintiff,

vs.

BNSF RAILWAY COMPANY,

Defendant.

CV 22-146-BLG-SPW

ORDER

United States Magistrate Judge Kathleen DeSoto filed Findings and Recommendations on July 24, 2023. (Doc. 55). Judge DeSoto recommended that the Court grant Defendant BNSF Railway Company's Motion to Compel Arbitration (Doc. 16) and stay the case pending arbitration. (Doc. 55 at 1).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find Judge DeSoto committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by Judge DeSoto (Doc. 55) are ADOPTED IN FULL. Defendant BNSF Railway Company's Motion to Compel Arbitration (Doc. 16) is GRANTED.

IT IS FURTHER ORDERED that this case is STAYED pending arbitration.

DATED this 8th day of August, 2023.



SUSAN P. WATTERS
United States District Judge